

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ABDIKADIR SAID ABDULLAHI,

Petitioner,

v.

Case No. 1:16-CV-933

REBECCA ADDUCCI, Field Director
Detroit Immigration and Customs
Enforcement,

HON. GORDON J. QUIST

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On September 1, 2016, Magistrate Judge Phillip J. Green issued a Report and Recommendation (R & R) recommending that the Court deny Petitioner's habeas petition on the basis that Petitioner failed to provide any evidence demonstrating "good reason to believe" that his removal is unlikely in the reasonably foreseeable future. (ECF No. 10 at PageID.78–80.) In particular, Petitioner failed to rebut Respondent's evidence that Petitioner was scheduled for deportation in October 2016. (*Id.* at PageID.78.)

Petitioner has filed an Objection to the R & R. Pursuant to 28 U.S.C. § 636(b), upon receiving an objection to a report and recommendation, the district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." After conducting a *de novo* review of the R & R, Petitioner's Objection, and the pertinent portions of the record, the Court concludes that the R & R should be adopted and the petition denied.

In his Objection, Petitioner continues to assert that he is entitled to relief pursuant to *Zadvydas v. Davis*, 533 U.S. 678, 121 S. ct. 2491 (2001), because, as of September 2016, he had been confined for 10 months and no effort had been made to deport him. However, Petitioner failed to present any evidence demonstrating that the planned October 2016 charter flight was unlikely to occur. Accordingly, Petitioner fails to show that he is entitled to habeas relief.

Therefore,

IT IS HEREBY ORDERED that Magistrate Judge Green's Report and Recommendation issued September 1, 2016 (ECF No. 10) is **APPROVED AND ADOPTED** as the Opinion of this Court, and Petitioner's Objection (ECF No. 12) is **OVERRULED**.

IT IS FURTHER ORDERED that Petitioner's habeas corpus petition pursuant to 28 U.S.C. § 2241 is **DENIED**.

A separate judgment will issue.

Dated: November 10, 2016

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE